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July 25, 2008

## MEMO ENDORSED

Hon. Kenneth M. Karas  
United States District Court  
300 Quarropas Street – Room 533  
White Plains, New York 10601

Re: **Charles Barbera, Jr., Individually and as Administrator of the Estate of  
Lorraine Marie Barbera v Peerless Insurance Company**  
Index No.: CV-3355-2008 08 CV 5527  
Our File No.: 107387-02

Dear Judge Kranis:

After reviewing the applicable case law, the plaintiff is hereby withdrawing the claim in the Summons and Complaint for damages resulting for the act of bad faith by the defendant. I will contact the defendant's attorney to execute a Stipulation of Discontinuance as to that cause of action.

I thank the court for its assistance in this matter.

Respectfully yours,

*Michael A. Coté*  
MICHAEL A. COTÉ

MAC:mo

cc: **VIA FACSIMILE (212-687-9639) AND FIRST CLASS MAIL**  
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*The Clerk is respectfully requested  
to docket this letter.*

<b>USDS SDNY DOCUMENT ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: _____
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SO ORDERED

*Kenneth M. Karas*  
KENNETH M. KARAS U.S.D.J.  
7/27/08